

**SOUTH DAKOTA DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Cheyenne Eagle Butte Cooperative School  
Continuous Improvement Monitoring Process Report 2005-2006**

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**Dates of On Site Visit:** January 24 and 25, 2006

**Date of Report:** February 27, 2006

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This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

<b>Promising Practice</b>	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
<b>Meets Requirements</b>	The district/agency consistently meets this requirement.
<b>Needs Improvement</b>	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
<b>Out of Compliance</b>	The district/agency consistently does not meet this requirement.
<b>Not applicable</b>	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

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<b>Principle 1 – General Supervision</b>
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

**Steering Committee Self-Assessment Summary**

Data sources used:

- Child count data tables (State, BIA and Tribal)
- Comprehensive plan
- Inter-governmental agreements
- Special education student file reviews
- Annual report cards

- Annual reports
- Consolidated school reform plans – amendments (Public School and BIA)
- Budget information (Public School, BIA and Tribal)
- Staff development plans

### **Promising practice**

Due to partnerships that have been established with the Cheyenne River Developmental Clinic, Cheyenne River Agency/Department of Special Education, the Cheyenne Eagle Butte Cooperative school system, children are identified very early. The extent of public notice provided throughout the reservation promotes identification of children in need by providing information of available services with numbers and contact sources. Information brochures are distributed in all offices and businesses around the communities.

In addition to the joint effort with the Cheyenne River Agency – Special Education Program where funding sources are maximized, the agency office also has established a working relationship with the Cheyenne River Sioux Tribe (CRST) – Department of Support Services, to provide in advance funds for parents to travel to the residential facilities. This arrangement is with the understanding that when the parent receives travel reimbursement from either the school district or the BIA, CRST Support Services receives the check and the parent comes in to sign and submit.

Based on training offered and available to all staff, the school system goes above and beyond to accommodate any possible needs of staff training. Through the cooperative agreement the C-EB school is fortunate to have the financial resources available to meet this need. The C-EB has a comprehensive staff development plan that does not delineate between programs and staff whether they are public school, tribal or BIA employees.

### **Meets requirements**

Requirements have been met for referrals to special education, over the past 2 years the previously established TAT process has not been utilized in the manner in which it was intended. Currently, training and providing technical assistance is taking place for all principals and TAT members based on surveys.

### **Needs improvement**

The special education students as a sub-group did not make AYP for either the State of South Dakota or the BIA.

Although data was submitted for suspension and expulsion, there is no record of how this information was determined. Both the superintendent and special education director are no longer employed within the school system to provide validation of this data. Outside consultants determined former administrators departed from established policies and procedures. The outside consultants are scheduled to continue their work with our system. The steering committee determined suspension and expulsion as an area needing improvement. Currently this information is compiled by each area principal and reported to the Acting Special Education Coordinator on a quarterly basis. (Noted progress in this area will be available for review and feedback from the monitoring team.)

Regardless of the available training opportunities, it appears through staff surveys that they have a different perspective and indicate dissatisfaction with training opportunities.

## **Validation Results**

### **Promising practice**

The monitoring team validated as a promising practice partnerships have been established with Cheyenne River Developmental Clinic, Cheyenne River Agency/Department of Special Education and the Cheyenne Eagle Butte Cooperative School. Through these partnerships, public notice promoting early identification throughout the reservation allows the cooperative school to identify children at a very young age.

The monitoring team validated a variety of training opportunities for staff. Through interviews, teachers indicated opportunity for training in specific curriculum areas, special education and assessment. The district provides resources for teachers, administrators, paraprofessionals and other staff to take advantage of these opportunities. Through staff interviews and program observation, the monitoring team noted as a promising practice the teacher assistance team process used at the upper elementary used to document and track students having difficulty and the Fast Forward Program, a phonics based program designed for targeted students grade 3-6. After school tutoring is available for students Monday through Thursday. Each building on campus has a homework center available from 3:30-5:30 staffed with 1-4 teachers.

The goal of Differentiated Instruction classes is to increase reading and math to proficient levels. Students are placed in DI classrooms due to low math and reading scores on state tests and/or to poor attendance. There are two sixth grade DI classrooms, two fifth grade classes and one fourth grade class. General education teachers rotate through classrooms to provide grade level instruction. Other programs available to address student needs are Orchard computer program used to individualize instruction in the areas of reading, math and language arts.

The district also has available a timeout classroom used on a short term basis to remove disruptive students from the general education setting. The in-school suspension program is used for behavioral infractions to keep students in school.

Partnerships to benefit students have been developed with many agencies and employers. High school juniors and seniors are working on transition skills through a healthy combination of in-school instruction balanced with community experiences. Assessment, job shadowing, ongoing transition counseling, course selection all contribute to building successful young adults. The monitoring team validated these opportunities when observing a student working during the school day in a local restaurant.

### **Meets requirements**

The monitoring team agrees with the steering committee, the data for General Supervision meets requirements.

### **Needs improvement**

The monitoring team agrees with the steering committee, policies and procedures for collecting data for suspension and expulsion were not followed and need to improve. Through interview with staff the monitoring team learned the district has an outside consultant collecting data on modifications, accommodations, attendance and assessment. This data especially attendance is closely tied to the dropout rate.

### **Out of Compliance**

#### **ARSD 24:05:17:03 Annual report of children served**

The district does not have documentation to verify services were being provided to five students listed on the district's 2004 child count. The district did not submit the IEP front page with the other child count information and the monitoring team attempted to check the files without success during the onsite

review. The Department of Education will withhold from the district the Individual with Disabilities Education ACT (IDEA) funds for the misclassified students.

## **Principle 2 – Free Appropriate Public Education**

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3<sup>rd</sup> birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

### **Steering Committee Self-Assessment Summary**

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#### **Meets requirements**

The Cheyenne Eagle Butte Cooperative School provides all services free of charge to parents as mandated by law. The school district provides special education services to students three to 21. In addition, services are provided to children from birth to five through the Cheyenne River Agency, Infant and Toddler program through a variety of partnerships. Children on IFSP's transition easily as the providers do not change at age three. Although the school district becomes responsible, the providers are the same and work closely with the school system when transitioning to kindergarten. Transition meetings are held when students move from one building to another when service providers change. These meetings are usually held in the spring of each year to ensure new staff is familiar with the needs of each child on their caseload. Extended school year services are determined annually and individually for each student on an IEP. Determination is made using the regression/recoupment formula based on periods when the student is not in school. The comprehensive plan outlines this procedure.

The district comprehensive plan has established procedures for suspension and expulsion for students with disabilities.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting requirements for Principle Two, Free Appropriate Public Education.

## **Principle 3 – Appropriate Evaluation**

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

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### **Meets requirements**

Of 27 files reviewed all contained prior notice/parent consent for initial evaluation. Of 27 files reviewed, 25 contained prior notice/parent consent for re-evaluation. Of 27 files reviewed 24 contained prior notice/consent for evaluation and contained all content. Of 27 files reviewed, 24 were conducted within 25 school days. Of 27 files reviewed, 27 reevaluations were completed within the three year timeline. Of 27 files reviewed all contained documentation of committee determination of eligibility for special education. Of 27 files all were in compliance with short-term evaluation program.

The district evaluation team is comprised of the following: diagnostician, school psychologist, speech clinician, general educator, parent, and others as indicated based on the individual student referral. Areas to be evaluated are determined by the team indicated above and as determined by the assessment plan, which is completed for each student.

Of 27 files reviewed all but one contained parental input. Of 27 files reviewed, 26 students were assessed in their native language. Of 25 parents surveyed 19 agreed, four disagreed, one didn't know and one felt it was not applicable that their child's teachers tried to help their child succeed in school before special education was considered. Of 27 files reviewed 26 contained documentation, input was received from the parent.

Of 27 files reviewed, 26 indicated the IEP team addressed the need for related services. Of 27 files reviewed there was no concern noted regarding validity of tests given. All tests administered by the school show all are adequately standardized and valid. All tests administered were appropriate. All tests are selected based on the individual concerns for the student referred. Training is provided yearly on functional assessment. Of the 27 files reviewed all indicated more than one evaluation tool was used. Standardized assessments are sought out to evaluate areas of concern that are not dependent on the use of areas of known impairment. All students are assessed individually, with emphasis on areas of concern. Information is gathered and determination made by a multidisciplinary team.

Through the teacher assistance team process, input is received from regular education teachers prior to the referral. Classroom observations are conducted upon referral to special education along with concerns as determined by the classroom teacher.

Based on assessment materials available, every precaution is taken to avoid racial or cultural bias. This task is difficult considering the lack of appropriate standardized assessment material for our population. Of 27 files reviewed, all tests were administered by trained personnel. Of 27 files reviewed all addressed the need for provision of native language. The district does not have any students on an interim IEP.

The district has identified staff to provide ongoing assessment for the identification of limited English proficient students.

Of 25 parents surveyed 24 indicated test results have been explained so they understand and one disagreed. Of 25 parents surveyed all agreed the results of their child's test have been used to help plan his or her IEP. Of 24 parents surveyed 22 indicated they received a copy of the test results, 1 disagreed and one felt it did not apply. Copies of evaluation reports are given to the parents either at the eligibility determination meeting or at the IEP meeting. The IEP team considers both "lack of instruction" and Limited English Proficiency (LEP) when determining eligibility. The district comprehensive plan outlines the procedures should a parent request an IEE, there were no requests made during the 2004-2005 school year. All students dismissed from special education services are evaluated to determine services are no longer needed. The comprehensive plan outlines procedures regarding parental right to request additional assessments.

The C-EB school follows the BIA special education IDEA-Student Information System (SIS) forms program, which includes a form to document the above information for learning disabilities. In addition this form includes the eligibility requirements for all the disabilities according to the State of South Dakota.

#### **Out of compliance**

Of 27 files reviewed, 17 were evaluated in all areas noted on the consent for evaluation (the ten files in question had behavioral assessment checked on the permission to evaluate and a classroom observation was done instead of a standardized assessment). Of 27 files reviewed, 22 were assessed in all areas of suspected disability. Of 27 files reviewed, 23 contained the required content.

Of 104 educators surveyed 32 agreed, 31 disagreed, 25 didn't know, and 16 felt it was not applicable that they had appropriate curricula and materials available in the district for students with limited English proficiency who have special education needs. Of 100 educators surveyed 62 agreed, 15 disagreed, 19 didn't know and four felt it was not applicable, student assessment information was reflective of student progress and was valid and meaningful for planning student instruction. Individuals most familiar with the student and their abilities gather functional and developmental information, based on their performance in the general education curriculum.

Of four administrators surveyed one agreed, two disagreed and one felt it was not applicable that appropriate curricula and materials are available in the district for students with limited English proficiency who have special education needs.

Of 27 files reviewed, 18 contained summaries of functional abilities (nine files in questions contained functional data but it was not summarized in an orderly fashion to be easily accessed).

Of 27 files reviewed, 21 indicated a copy of the evaluation was received by the parents.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting the requirements for Principle Three, Appropriate Evaluation

**Out of compliance**

The monitoring team agrees with all areas identified as out of compliance for Principle Three, Appropriate Evaluation. In addition the monitoring team determined the following:

**Issues requiring immediate attention****ARSD 24:05:25:04 Evaluation procedures****ARSD 24:05:25:26.01 Reevaluation**

A school district shall ensure a child is assessed in all areas related to the suspected disability and evaluation procedures include a wide variety of assessment tools and strategies to gather relevant functional and developmental information about the child including information provided by parents, which may assist in developing the content of the child's IEP.

A student file review completed by the monitoring team indicated no formal evaluation was available in the student file for a child with a multiple disability. A reevaluation must be completed to support placement in the area of multiple disability.

A student file review completed by the monitoring team indicated a reevaluation was completed 10-05 but did not include an evaluation in the area of behavior. According to the multidisciplinary team report, the student qualified for oral expression and listening comprehension, however, there were no goals for listening comprehension and oral expression. Observations and present levels of performance include information about the student's behavior and the team developed behavior goals however, no evaluation in the area of behavior was available in the file.

A student file review completed by the monitoring team indicated a review of existing data was completed 9-19-05 which noted behavior concerns. The file information indicated the student was diagnosed with ADHD (2002); however, no behavior evaluation was completed in the 2005 reevaluation.

A student file review completed by the monitoring team indicated a reevaluation was completed 12-11-03. The disabling condition reported on the child count was not substantiated by the documentation within the file. The district must reconvene the student's IEP /evaluation team and determine eligibility based on new reevaluation information.

A student file review completed by the monitoring team indicated no three year reevaluation was completed for a student listed on the 2004 child count as speech language (550).

**ARSD 24:05:25:04 Evaluation procedures**

The monitoring team notes the policy at the primary level is to send a hearing re-check notice at the beginning of the year to inform parents of annual/semi annual hearing screenings. These screenings are provided for all special education students. If the screening is not passed, it is the policy to do an evaluation. If additional issues remain a referral is sent to the parents to follow up on. However, Indian Health Services provides the evaluations. Written consent is not obtained for the screenings or evaluations and there is no consistent follow through by the district on the medical referrals.

**ARSD 24:05:27:21 Transition to preschool program.**

Each local district shall develop policies and procedures for transition of children participating in the early intervention program under Part C of the Individuals with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of IDEA. The district shall provide the family with information on the eligibility and evaluation requirements under Part B of Individual with Disabilities Education Act, including the parents' and district's rights regarding procedural safeguards.

Students transitioning from Part C to Part B of IDEA must be evaluated in all areas related to the suspected disability.

#### **ARSD 24:05:25:04(5) Evaluation procedures**

A school district shall ensure, at a minimum, that evaluation procedures include the following. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child including information provided by the parents to determine eligibility and the content of the IEP.

Through the review of student records, eight files did not include functional assessment. The district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for specific skills areas affected by the student disability. The student's present levels of academic performance, their progress in the general curriculum or development of annual goals and short-term objectives therefore did not link to evaluation.

### **Principle 4 – Procedural Safeguards**

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

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#### **Meets requirements**

The steering committee indicated, the district ensures parental rights under IDEA, have been fully informed in their native language, provision of surrogate parents, parents have opportunity to inspect and review all education records concerning identification, evaluation, educational placement and the right to a free appropriate education. The steering committee included the district has policies and procedures in place for responding to complaints and due process hearings.

#### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with the steering committee data for Principle Four, Procedural Safeguards meets requirements with the exception of Surrogate parents (refer to areas out of compliance)



## **Out of Compliance**

### **ARSD 24:05:30:15 Surrogate parents**

A surrogate parent is assigned to ensure that the rights of a child are protected if no parent can be found or if the child's parental rights have been terminated. A surrogate parent is afforded all rights that a parent is eligible for under this article. A surrogate parent may not be an employee of a public agency, i.e. DSS, DOC, etc.

Through interviews and file reviews, the monitoring team determined a need for the appointment of a surrogate parent. The district did not have a list of potential surrogate parents available.

## **Principle 5 – Individualized Education Program**

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

### **Steering Committee Self-Assessment Summary**

Data sources used:

- Child count data tables (State, BIA and Tribal)
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- Annual reports
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### **Meets requirements**

Procedures for ESY meet requirements. 26 of 27 files reviewed contained documentation of transfer of parental rights addressed one year prior to age 18. Graduation requirements were addressed one year prior to graduation in 26 of 27 files.

In 24 of 27 files reviewed, transition outcomes were addressed by age 14, 26 of 27 files contain a course of study and all 27 have transition services addressed

### **Out of compliance**

The steering committee reports 23 of 27 prior notice for the meeting contained all content areas, 26 of 27 indicated student preferences, 25 of 27 indicated other agency representatives were invited to the meeting, 24 of 25 parent surveyed indicated test results had been explained and parents were informed of the opportunity to invite other individuals to the meeting.

The steering committee reported in 7 of 27 files reviewed, the IEP meeting was not held within 30 days. In 8 of 27 files reviewed, present level of performance was not adequate, in 20 of 27 files annual goals and short term objectives were adequate, some uncertainty about reporting progress from administrators, parents, general education teachers and students. Modifications and accommodations, statewide assessment was also questioned.

Participation in the general education classroom, general education curriculum and extra curricular and non academic activities were questioned by 34 of 43 files reviewed.

## **Validation Results**

### **Meets requirements**

The monitoring team agrees with the steering committee that data for Principle Five, Individualized Education Program meets requirements.

### **Out of compliance**

The monitoring team agrees with data reported by the steering committee for Principle Five, Individualized Education Program as out of compliance. The monitoring team also noted the following:

#### **ARSD 24:05:27:01.03 Content of individualized education program**

Each student's individualized education program shall include a statement of the student's present levels of educational performance, including: (a) how the student's disability affects the student's involvement and progress in the general curriculum or (b) for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; (c) for students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives; (2) A statement of measurable annual goals, including academic and functional goals, designed; (a) meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and (b) meeting each of the student's educational needs that result from the student's disability.

Present levels of performance must contain the student's strengths, needs, effect of the disability on the student's involvement and progress in the general curriculum and parent input. In 10 files the present levels of performance were missing one or more of the above requirements.

Short term objectives or annual goals need to have conditions, performance and criteria listed. The short term objectives must be linked to the annual goals. Objectives should be student centered and skill based. Annual goals need to be observable and reasonable to attain in one year. In the speech files at the upper elementary building, the goals were not skill specific and at the high school level standards based goals are written. Example: "When given an assignment, the student will be able to use a variety of algebraic concepts and methods to solve problems in 4 out of 5 trials with 80% accuracy." "When given an assignment the student will be able to evaluate patterns of organizations, literary elements and literary devices within various texts in 4 out of 5 trials with 80% accuracy." In 5 files short term objectives did not include the condition or the criteria.

Justification for placement must include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular classroom. The monitoring team determined special education staff does not have a clear understanding how to pursue writing justification for placement statements. In 11 files the justification statement did not follow the accept/reject method or was left blank. Examples:

- "The student will participate in the same activities as non-delayed peers."
- "The student needs one on one instruction so the pull out method is beneficial."
- "The student may feel self conscious about being out of the classroom away from peers but it will pay off by reducing distractions."

#### **ARSD 24:05:27:01.02 Development, review and revision of IEP**

In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their

student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student, and as appropriate, the results of the student's performance on any general state or district-wide assessment programs. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider, the use of positive behavioral supports and other strategies to address that behavior. In 6 files reviewed, the question "Does the student's general classroom behaviors impede learning?" was either left blank, indicated behavior does not impede learning although the student was on the child count as emotionally disturbed (505) or was checked yes with no positive behavioral support listed.

A student's IEP must include the projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications. Cheyenne-Eagle Butte Cooperative School developed a form for the documentation of modifications and accommodations. The monitoring team determined the form does not include a way to effectively document how modifications and accommodations relate to state and district wide assessment.

## **Principle 6 – Least Restrictive Environment**

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

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### **Meets requirements**

23 of 27 files indicate an educational program was developed for each child using the continuum of least restrictive environment.

### **Validation Results**

#### **Meets requirements**

The monitoring team agrees with all areas identified as meeting requirements for Principle Six, Least Restrictive Environment.